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No. 82-1675

In the Supreme Court of the United States

OCTOBER TERM, 1982

STATE OF CALIFORNIA, PETITIONER

v.

UNITED STATES OF AMERICA, ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

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Petitioner contends that the district court improperly failed to adjudicate its claim of ownership of certain land in the bed of the Colorado River.

1. This case was initiated when the United States filed an action in the District Court for the Central District of California to evict Martin G. Rock and Irene E. Rock from certain federal lands in California beside the Colorado River (Pet. App. G 1-6). The Rocks claimed in their answer that the land they occupied had at some time in the past been the property of the State of California, and that they had acquired title to it by adverse possession from California (Pet. App. H1-12).[1] Because of this allegation, the

[1]The Rocks asserted several bases for California's original ownership of the land, including (Pet. App. H 5-6) that the land had been located in the bed of the Colorado River when California was admitted to the Union.

district court, upon motion of the United States, joined California as a party defendant. In its answer to the complaint, California admitted that the United States owned the land described in the complaint; it denied the Rocks' claim that the original bed of the river had altered, and thus asserted State ownership of "the bed of the Colorado River along its current position in the vicinity of the property in question from the centerline of the River to the ordinary high-water mark thereof on the California (westerly) side" (Pet. App. J 2, 4, 6). California also asserted a cross-claim against the Rocks in the event that the court concluded that the land in question had formerly been part of the riverbed (Pet. App. J 5-6), and finally prayed for a judgment "[e]stablishing and declaring sovereign ownership in the State of California of the current bed of the Colorado River, in the vicinity of the lands in this action, from the centerline of the River to the ordinary high-water mark thereof on the California (westerly) side" (Pet. App. J 6-7).

2. At the trial of the case, the parties presented evidence concerning the current and historical ordinary high-water mark of the Colorado River. On the basis of this evidence, the district court concluded that none of the land claimed by the Rocks was, or ever had been, riverbed land (Pet. App. D 12), and that the "United States of America is now, and at all times since defendant Rock's entry thereon, has been the owner of the real property described in the complaint. * * * [S]aid property consists entirely of uplands belonging to the United States" (Pet. App. D 13). In light of this holding, the district court stated "there needs to be no further finding herein with respect to the relative rights of the State of California and of the defendants Rock for the reason that neither the State of California nor the defendants Rock have any right, title or interest in and to the land described in the complaint herein" (Pet. App. D 12).

3. The Rocks appealed from the holding that they had no right to the lands involved; the State of California appealed from the district court's refusal to make any findings with respect to the State's ownership of the adjoining riverbed land. The court of appeals affirmed the district court's conclusion with respect to the Rocks' lack of right, title or interest in the lands in question, and further held (Pet. App. A 6) that "[b]ecause California's interests in the river did not have to be determined in order to resolve the case against the Rocks, the court had no duty to decide the question [concerning the ownership of the riverbed]." The State here contends (Pet. 13) that the district court had an "affirmative obligation" to adjudicate the State's interest in the bed of the Colorado River.

4. This case involves only the question of the ownership of a specific parcel of land to which the Rocks and the United States laid claim. The State of California has never claimed any interest in the land in question; instead, in its answer the State admitted the United States' ownership of the land, and denied the contentions of the Rocks with respect to the State's original ownership of the land based upon avulsive river changes (Pet. App. J 2, 6).[2]

Both the district court and the court of appeals concluded that the Rocks had no title whatsoever to the land in question, and that they were not claiming title to any part of the riverbed claimed by the State; there was accordingly no need for either court to decide the question of the ownership of the adjacent riverbed. Both courts thus correctly refused to address that question. Once the Rocks' claim that the land at issue had historically been riverbed was rejected, the

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[2]Nor was it necessary, as the State asserts (Pet. 10-11), to adjudicate the boundary between the state and federal property. Wherever that boundary may lie, it is not within the parcel claimed by the Rocks, which is the sole subject of this dispute (Pet. App. D12-13).

State's claims became irrelevant to any questions raised by the complaint or the Rocks' answer.[3] The court's judgment completely decided those questions when it determined that the United States owns, and is entitled to possession of, the precise parcel of land described in the complaint. The ownership of adjacent land was not in issue.[4]

Where a court decides an issue one way, it need not address the questions that would have been relevant had it decided the issue another way. See, *e.g., Middlesex County Sewerage Authority* v. *National Sea Clammers Ass'n*, 453 U.S. 1, 21-22 (1981). This is a principle which has nothing to do with a refusal to exercise jurisdiction, and the State's arguments based upon jurisdictional considerations are entirely inapposite.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

REX E. LEE
Solicitor General

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[3]California's claim of entitlement to the Colorado riverbed was phrased as a cross-claim, thus asserting a right against the State's co-defendants, the Rocks (Fed. R. Civ. P. 13(g)). That claim, of course, would have been relevant only if the court had determined that part of the parcel in dispute consisted, as the Rocks claimed, of lands originally belonging to the State.

[4]Even if paragraph 1 of the prayer for judgment of the State's answer to the complaint (Pet. App. J 6-7) could conceivably be interpreted as asserting a permissive counterclaim to that land against the United States under Fed. R. Civ. P. 13(b), the State did not so contend below, and does not do so here. In any event, that ambiguity was insufficient to provide notice to the United States that a claim was being asserted against it concerning the adjacent land, particularly in the absence of any motion to amend the pleadings to set up an omitted counterclaim (see Fed. R. Civ. P. 13(f)).

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